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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 2213
v.	COMPLAINT FOR VIOLATION OF:
Jose DIAZ-Ramirez, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **July 18, 2008** within the Southern District of California, defendant, **Jose DIAZ-Ramirez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF JULY, 2008

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose DIAZ-Ramirez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On July 18, 2008, Border Patrol Agent C. Cooper was performing line watch duties in the Imperial Beach area of operations. At approximately 1:00 A.M., East Scope operator radioed via agency radio of an individual crawling north in an area known as the "Waterfall". The Waterfall is approximately one and half miles west of the San Ysidro, California Port of Entry and approximately 100 yards north of the United States/Mexico International Boundary Fence. The Waterfall is an area notoriously used by illegal aliens to further their illegal entry into the United States.

Agent Cooper responded to the Waterfall area and encountered an individual crawling northbound. Agent Cooper approached the individual and immediately identified himself as a United States Border Patrol Agent and questioned the individual, later identified as the defendant **Jose DIAZ-Ramirez**, as to his citizenship and nationality. The defendant freely admitted that he was a citizen and national of Mexico illegally present in the United States. The defendant further admitted he did not possess any immigration documentation permitting him to enter or remain in the United States legally. At approximately 1:30 A.M, Agent Cooper arrested the defendant and had him transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 3, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on July 19, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **July 18, 2008**, in violation of Title **8**, United States Code, Section **1326**.

Leo S. Papas
United States Magistrate Judge

07/19/08 - 151
Date/Time